

ATTACHMENT 3

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2013

GRANTEE State of Tennessee

EIN: 62-6001445

ADDRESS 14th Floor, Citizens Plaza State Office Building

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Nashville, TN 37243-1403

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PLEASE CHECK ONE: TRIBE **STATE** X **INSULAR AREA**

**Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447**

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

Expiration Date: 04/30/2014

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The State of Tennessee agrees to:
(Grantee Name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) * beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: _____

Title: _____

Date: _____

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

statutory
references

2605(a)

2605(b)(1) ➔ Please check which components you will operate under the LIHEAP program.
(Note: You must provide information for each component designated here as requested elsewhere in this plan.)

Dates of Operation

(use of
funds)

X**heating assistance 7/1/2012 - 6/30/2013

X**cooling assistance 7/1/2012 - 6/30/2013

X crisis assistance 7/1/2012 - 6/30/2013

weatherization assistance

** Tennessee does not separate heating and cooling components. Rather, combined heating/cooling program is run year round.

2605(c)(1)(C) ➔ Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

(use of funds)

50 % heating assistance

30 % cooling assistance

10 % crisis assistance

2605(k)(1) _____% weatherization assistance

_____ % carryover to the following fiscal year

2605(b)(9) 10 % administrative and planning costs

2605(b)(16) _____% services to reduce home energy needs
including needs assessment (assurance 16)

_____ % used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations).

100 % **TOTAL**

statutory
references

2605(c)(1)(C)

➔The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

(alternate use
of crisis assistance
funds)

X** heating assistance

 cooling assistance

 weatherization assistance

 Other(specify):

** Tennessee does not separate heating and cooling components. Rather, combined heating/cooling program is run year round.

➔Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes X No

2605(b)(2)

2605(c)(1)(A)

➔What are your maximum eligibility limits?
(Please check the components to which they apply.)
Current year guidelines must be used.

(eligibility)

X 150% of the poverty guidelines:
heating X cooling X crisis X wx

 125% of the poverty guidelines:
heating cooling crisis wx

 110% of the poverty guidelines:
heating cooling crisis wx

 60% of the State's median income:
heating cooling crisis wx

 Other (specify for each component)

 *** Households automatically eligible if one person is receiving
 TANF, SSI, Food Stamps, Certain means-tested
veterans programs (heating cooling crisis wx)

*** Carmen Blackwell, our federal partner, advises that all household members must receive TANF, SSI, Food Stamps, or Certain means-tested veterans programs to be automatically eligible.

statutory
references

2605(c)(1)(A) →Do you have additional eligibility requirements for:
2605(b)(2) HEATING ASSISTANCE _____ Yes X No)
(eligibility)

→Do you use: Yes No

Assets test? _____ X

→Do you give priority in eligibility to:

Elderly? X _____

Disabled? X _____

Young children? X _____

Other: _____
(If Yes, please describe)

Under the Priority Points System, applicants are given points based not only on the presence of above mentioned vulnerable members in the household but also applicants' incomes by family size and energy burden. Those applicants with the lowest incomes, highest energy burden, and greatest vulnerability receive the most number of points available.

After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the level of assistance provided to each household.

Please see Priority Points Chart on page 19.

statutory
references

2605(c)(1)(A)

2605(b)(2)

→Do you have additional eligibility requirements for:
COOLING ASSISTANCE (____ Yes __X__ No)

(eligibility)

→Do you use: Yes No

Assets test? _____ X

→Do you give priority in eligibility to:

Elderly? X _____

Disabled? X _____

Young children? X _____

Other: _____
(If Yes, please describe)

Under the Priority Points System, applicants are given points based not only on the presence of above mentioned vulnerable members in the household but also applicants' incomes by family size and energy burden. Those applicants with the lowest incomes, highest energy burden, and greatest vulnerability receive the most number of points available.

After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the level of assistance provided to each household.

Please see Priority Points Chart on page 21.

statutory
references

2604(c)
2605(c)(1)(A)

→ Do you have additional eligibility requirements for:
CRISIS ASSISTANCE (X Yes No)

(eligibility)

	<u>Yes</u>	<u>No</u>
→ Do you use:		
Assets test?	<u> </u>	<u>X</u>
Must the household have received a shut-off notice or have an empty tank?	<u>X</u>	<u> </u>
Must the household have exhausted regular benefit?	<u>X**</u>	<u> </u>
Must the household have received a rent eviction notice?	<u> </u>	<u>X</u>
Must heating/cooling be medically necessary?	<u> </u>	<u>X</u>
Other (Please explain):	<u> </u>	<u> </u>

**** Tennessee only allows one type of LIHEAP assistance per program year. Households cannot receive both regular LIHEAP and crisis assistance in the same program year.**

→ What constitutes a crisis? (Please describe)

- The Crisis Assistance component will be based on **uncontrollable circumstances** which must include either a shut off notice, disconnected utilities or a lack of home delivered fuel notice in combination with at least one of the following:
 - **Household has an unanticipated medical or major household expense.** Out of pocket expense should exceed 100% of current utility bill. Documentation could include: receipts of payments made to meet this unanticipated medical or major household expense.
 - **Household wage earner with at least a year of stable work history has lost his/her job within the last twelve (12) months.** Documentation could include: letter from employer, termination or lay-off notice, UI claims, UI notification of eligibility.
 - **Household wage earner has left the home within the past forty-five (45) days.** Documentation could include recent application for family assistance (Families First, Food Stamps), order of protection, police report, revised lease, or other legal documentation

- **Death of wage earner within the last twelve (12) months.**
Documentation could include obituary, death certificate, and funeral program.
 - **Significant loss of work hours.** Documentation could include a letter from employer outlining details of loss of work hours or pay stubs.
 - **Household wage earner is unable to work due to illness and does not receive sick leave or time away from work.** Documentation could include a statement from employer.
 - **Household has a non-functioning or malfunctioning heating system.**
 - **Child under the age of six (6) in the home.**
 - **Elderly - 1 member of household is age 60 or above.**
 - **Disabled – 1 member of household is disabled.**
- Uncontrollable Circumstances must be explained by the client and documented to the extent possible.
 - Applications are continuously accepted for Crisis Assistance throughout the contract period, regardless of the availability of funds, and a waiting list is maintained, as necessary.
 - If an agency has expended all Crisis funding, a Crisis applicant may be served under Regular LIHEAP funding, if available.

statutory
references

2605(c)(1)(A)

➔Do you have additional eligibility requirements for: **N/A**
WEATHERIZATION (____ Yes ____ No)

(eligibility)

➔Do you use: Yes No

Assets test? _____

Priority groups? (Please list) _____

➔Are you using Department of Energy (DOE) Low
Income Weatherization Assistance Program
(LIWAP) rules to establish eligibility or to establish
priority eligibility for households with certain
characteristics? _____

➔If Yes, are there exceptions? _____
Please list below.

Tennessee has not requested LIHEAP transfer to Weatherization for this program year.

statutory
references

2605(b)(3)
2605(c)(3)(A)

(outreach)

→ Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

 X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

 X place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

 X publish articles in local newspapers or broadcast media announcements.

 X include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

 X make mass mailing to past recipients of LIHEAP.

 X inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

 execute interagency agreements with other low-income program offices to perform outreach to target groups.

 X other (Please specify):

Outreach Responsibilities of Local Contract Agencies

Effective outreach means that the most vulnerable households, as prioritized by the state, are made aware of the LIHEAP program. Agencies may use a portion of their grant funds (to a maximum of 5%) to give priority to outreach efforts. Agencies are required to conduct at least one outreach activity per quarter. Outreach activities may include, but are not limited to, the following:

- Provide intake service through home visits or by telephone for elderly or disabled persons
- Place posters / flyers in local and county social services offices, office of aging, Social Security offices, VA offices, etc.
- Place posters / flyers in medical offices, senior citizens centers, etc.
- Place posters / flyers in malls, local recreation centers, and other common gathering places for seniors
- Publish articles in local newspapers or broadcast media announcements
- Billboards, metro buses, bus benches, other public transportation programs, etc.
- Include inserts in energy vendor billings
- Mass mailings to past recipients of LIHEAP
- Inform applicants of other low-income programs of the availability of LIHEAP
- Utilize early application period at the beginning of the program for elderly and disabled persons only prior to the general public
- Accept applications for energy crisis assistance at multiple locations
- Execute interagency agreements with other low-income program offices to perform outreach to target groups
- Toll-free phone line for information
- Special assistance such as translation and bilingual brochures to non-English speaking households
- Mailings to recipients of other social service programs such as food stamps, Families First, etc. to target families with small children, disabled individuals, and seniors
- Post application on-line for mail-in applicants
- Place copies of applications and program fact sheets in public libraries and senior centers
- Public speaking appearances by program staff to local community groups
- Provide agency contact information to local resource agencies and directories
- Include insert or information for church bulletins and faith-based newsletters
- Allow prior year SSI recipients to update their information by phone or email
- Provide informational flyers to local schools
- Agency staff participates in local community resource fairs

Outreach Responsibilities of the Department

1. Provide the general public with information on the program through media outlets releases as needed; and
2. Provide the general public with information on the program on the Department's web page as well as telephone and electronic means of communication; and
3. Provide technical assistance to local contract agencies

statutory
references

2605(b)(4)

➔ Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

Local agencies administering the LIHEAP program typically administer the Weatherization Assistance Program (WAP) and the Community Services Block Grant (CSBG) program and individual program staff makes interagency referrals on behalf of their clients.

2605(b)(5)

2605(b)(2)

2605(b)(8A)

➔ The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

(benefit
levels)

Eligibility is based on Priority points. Consideration is made for the elderly, disabled, and children under the age of 6, as long as the household is income eligible. There is no difference in determining eligibility or priority points.

statutory
references

HEATING COMPONENT

2605(b)(5) ➔ Please check the variables you use to determine your benefit levels (check all that apply):

(determination
of benefits)

- ☒ income
☒ family (household) size
☒ home energy cost or need
 _____ fuel type
 _____ climate/region
 _____ individual bill
 _____ dwelling type
☒ energy burden
 (% of income spent on home energy)
 _____ energy need
 ☒ other (describe)
 Priority points as listed in next section.

2605(b)(5) ➔ Describe how you will assure that the highest benefits go to households
 2605(c)(1)(B) with the lowest incomes and the highest energy costs or needs in relation
 to income, taking into account family size.
 (benefit Please describe benefit levels or attach a copy of your payment matrix.
 levels)

PRIORITY POINTS SYSTEM

The determination of which eligible households receive assistance is accomplished through the Priority Points System. Under this system, applicants are given points based on their incomes by family size, energy burden, and the presence of vulnerable members in the household. Those applicants with the lowest incomes, highest energy burden, and greatest vulnerability receive the most number of points available.

After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the benefit level of assistance provided to each household.

LIHEAP Priority Point System – FY 2013

Revised 04/21/2011

*Maximum Points Possible = 105***Income Based on Family Size (35 Point Maximum)**

% of Federal Poverty Guidelines	Points
0-50%	35 points
51-75%	30 points
76-100%	25 points
101-125%	20 points
125-150%	15 points

Energy Burden (20 point maximum)

% of Income Used for Home Energy Cost	Points
14% or higher	20 points
9-13%	15 points
4-8%	10 points
3% or less	5 points

Vulnerable Household Members (50 point maximum)

Household with:	Points
Elderly (70 years or older)	15 points
Elderly (60-69 years)	10 points
Disabled	10 points
Children under 6 years of age	10 points
APS Referral	10 points
Households with six (6) or more persons	5 points

Benefit Levels

Total Points	Benefit Amount
0-50 points	300.00 150.00 if client lives in Public Housing and only pays utility “overage”
55-75	450.00 225.00 if client lives in Public Housing and only pays utility “overage”
80-105	600.00 300.00 if client lives in Public Housing and only pays utility “overage”

Benefits levels are established by the State and used by all LIHEAP agencies in the State of Tennessee. Benefit levels must be established in ranges as indicated in the chart above. Benefit levels are uniform statewide.

The benefit levels for Energy Assistance (Heating and Cooling) and for Crisis Assistance must be included in the agency’s operational plan.

To determine which households are to receive priority in assistance when sufficient funds are not available to serve all households with the same number of points, the applications will be ranked based on the energy burden calculated. Those households with the highest energy burdens are to receive assistance first.

The Priority Points System for Energy Assistance will be used as a basis to initially determine the level of assistance with one exception. The calculation of the energy burden for electric and/or natural gas bills will be based on the amount of the bill concerned with the shut-off notice.

If the application is not based on a shut-off notice and involves depletion of home-delivered energy (i.e., coal, fuel oil, kerosene, LP gas, and/or wood), the policy concerned with the submission of energy cost documentation for home-delivered energy assistance is to be used.

➔ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

 Yes X No If Yes, please describe.

statutory
references

2605(b)(5)
2605(c)(1)(B)

(determination
of benefits)

COOLING COMPONENT

➔ Please check the variables you use to determine your benefit levels
(check all that apply):

- ☒ income
- ☒ family (household) size
- ☒ home energy cost or need
 - ☐ fuel type
 - ☐ climate/region
 - ☐ individual bill
 - ☐ dwelling type
- ☒ energy burden
(% of income spent on home energy)
- ☐ energy need
- ☒ other (describe)

Priority points as listed in next section.

2605(b)(5)
2605(c)(1)(B)

(benefit
levels)

➔ Describe how you will assure that the highest
benefits will go to households with the lowest
incomes and the highest energy costs or needs
in relation to income, taking into account family size. Please describe
benefit levels or attach a copy of your payment matrix.

PRIORITY POINTS SYSTEM

The determination of which eligible households receive assistance is accomplished through the Priority Points System. Under this system, applicants are given points based on their incomes by family size, energy burden, and the presence of vulnerable members in the household. Those applicants with the lowest incomes, highest energy burden, and greatest vulnerability receive the most number of points available.

After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the benefit level of assistance provided to each household.

LIHEAP Priority Point System – FY 2013

Revised 04/21/2011

*Maximum Points Possible = 105***Income Based on Family Size (35 Point Maximum)**

% of Federal Poverty Guidelines	Points
0-50%	35 points
51-75%	30 points
76-100%	25 points
101-125%	20 points
125-150%	15 points

Energy Burden (20 point maximum)

% of Income Used for Home Energy Cost	Points
14% or higher	20 points
9-13%	15 points
4-8%	10 points
3% or less	5 points

Vulnerable Household Members (50 point maximum)

Household with:	Points
Elderly (70 years or older)	15 points
Elderly (60-69 years)	10 points
Disabled	10 points
Children under 6 years of age	10 points
APS Referral	10 points
Households with six (6) or more persons	5 points

Benefit Levels

Total Points	Benefit Amount
0-50 points	300.00 150.00 if client lives in Public Housing and only pays utility “overage”
55-75	450.00 225.00 if client lives in Public Housing and only pays utility “overage”
80-105	600.00 300.00 if client lives in Public Housing and only pays utility “overage”

Benefits levels are established by the State and used by all LIHEAP agencies in the State of Tennessee. Benefit levels must be established in ranges as indicated in the chart above. Benefit levels are uniform statewide.

The benefit levels for Energy Assistance (Heating and Cooling) and for Crisis Assistance must be included in the agency’s operational plan.

To determine which households are to receive priority in assistance when sufficient funds are not available to serve all households with the same number of points, the applications will be ranked based on the energy burden calculated. Those households with the highest energy burdens are to receive assistance first.

The Priority Points System for Energy Assistance will be used as a basis to initially determine the level of assistance with one exception. The calculation of the energy burden for electric and/or natural gas bills will be based on the amount of the bill concerned with the shut-off notice.

If the application is not based on a shut-off notice and involves depletion of home-delivered energy (i.e., coal, fuel oil, kerosene, LP gas, and/or wood), the policy concerned with the submission of energy cost documentation for home-delivered energy assistance is to be used.

➔ Do you provide in-kind (e.g. fans) and/or other forms of benefits?

 Yes X No If Yes, please describe.

statutory
references

2605(b)(5)
2605(c)(1)(B)

CRISIS COMPONENT

(determination
of benefits)

➔How do you handle crisis situations?

 X separate component other (please explain)

➔If you have a separate component, how do you determine crisis assistance benefits?

 amount to resolve crisis, up to maximum

 X other (please describe)

A crisis component is required, utilizing a minimum of 15% of the funds allocated on the —Specific Assistance to Individuals line of the Grant Budget. Any exception to the 15% cap must be approved by the State office Program Director.

Energy Crisis is now defined Statewide as: Sudden, unexpected, uncontrollable loss of financial resources; life threatening conditions or any circumstances that threaten the stability of the household if energy assistance is not provided.

Energy Crisis Component is now defined Statewide as: program component which provides services to households which are subject to life-threatening conditions without immediate intervention to address their critical energy-related needs. Applications determined eligible to meet the Energy Crisis definition and which are based on uncontrollable circumstances that have not allowed the payment of energy bills, will receive assistance on a —fast-track|| approach to alleviate the crisis situation.

Based on priority points system, the minimum benefit level for Crisis Assistance is \$300 and the maximum benefit level is \$600 per year.

Crisis Assistance will be provided to eligible households not later than 48 hours after a household applies and is determined eligible, or prior to the date and time of the termination or depletion of the primary energy source, if the application is made at least twenty-four (24) hours in advance excluding Saturdays, Sundays, and official agency holidays, whichever occurs first. Subject to availability in either the Crisis funds or Regular funds.

Crisis Assistance will be provided to eligible households not later than 18 hours after the household applies and is determined eligible if the household is in a life-threatening situation (utility service is disconnected or fuel is depleted). Subject to availability in either the Crisis funds or Regular funds.

Crisis Assistance will be provided in an amount sufficient to alleviate the crisis and within the applicant's determined benefit level amount.

Crisis Assistance will be provided in an amount sufficient to alleviate the crisis and within the applicant's determined benefit level amount.

Crisis applications will be accepted for the assistance at sites that are geographically accessible to all households in the area to be served.

Individuals who are physically infirm will be provided the means to submit Crisis applications without leaving their residence or to travel to the sites at which applications are accepted.

Agencies will determine the maximum benefit level for the Crisis component within the same parameters as the Regular LIHEAP program component.

(benefit
levels)

➔ Please indicate the maximum benefit for each type of crisis assistance offered.

heating	\$ <u>0</u> maximum benefit
cooling	\$ <u>0</u> maximum benefit
year-round	\$ <u>600</u> maximum benefit

➔ Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

 Yes X No If Yes, please describe.

statutory
references

2605(b)(5)
2605(c)(1)
(B) & (D)

**WEATHERIZATION & OTHER ENERGY RELATED
HOME REPAIR AND IMPROVEMENTS**

**N/A / Tennessee did not request transfer of LIHEAP funds to
Weatherization for this program year.**

➔What LIHEAP weatherization services/materials do you provide?
(Check all categories that apply.) **N/A**

(types of
assistance)

☐ Weatherization needs assessments/audits.
☐ Caulking, insulation, storm windows, etc.
☐ Furnace/heating system modifications/repairs
☐ Furnace replacement
☐ Cooling efficiency mods/repairs/replacement
☐ Other (Please describe)

(benefit
levels)

➔Do you have a maximum LIHEAP weatherization benefit/expenditure
per household? ☐ Yes ☐ No

If Yes, what is the maximum amount? \$_____

➔Under what rules do you administer LIHEAP weatherization? (Check
only one.)

(types of
rules)

☐ Entirely under LIHEAP (not DOE) rules
☐ Entirely under DOE LIWAP rules
☐ Mostly under LIHEAP rules with the following DOE LIWAP rule(s)
where LIHEAP and LIWAP rules differ (Check all that apply):

☐ Weatherize buildings if at least 66% of units (50% in 2- &
4-unit buildings) are eligible units or will become eligible within
180 days

☐ Weatherize shelters temporarily housing primarily low
income persons (excluding nursing homes, prisons, and similar
institutional care facilities).

☐ Other (Please describe)

☐ Mostly under DOE LIWAP rules, with the following
LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check
all that apply.)

☐ Weatherization not subject to DOE LIWAP maximum
statewide average cost per dwelling unit.

☐ Other (Please describe.)

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

(agency
designation)

☐ county welfare offices
☐ community action agencies (weatherization component only)
☒ community action agencies (heating, cooling or crisis
☐ charitable organizations
☐ not applicable (i.e. state energy office)
☐ tribal office
☐ other, describe:

➔ Have you changed local administering agencies from last year?
☐ Yes ☒ No

If Yes, please describe how you selected them.

N/A

➔ What components are affected by the change?

N/A

2605(c)(1)(E) ➔ Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. **(This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)**

(targeting of
assistance)

statutory
references

2605(b)(7)
(energy
suppliers)

➔Do you make payments directly to home energy suppliers?

Heating ☐ Yes ☐ No

Cooling ☐ Yes ☐ No

Crisis ☐ Yes ☐ No

If Yes, are there exceptions? ☐ Yes ☒ No

If Yes, please describe.

Payments are made by the sub-grantees to the vendors.

2605(b)(7)(A)

➔If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

Copies of the payment vouchers are provided by the sub-grantee to the client and system generated client notice is mailed.

2605(b)(7)
(B) & (C)

➔How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

Vendor agreements (attached) are used by the sub-grantees for the heating, cooling and crisis assistance components of the program.

"MODEL"
BENEFIT CHECK/VOUCHER AGREEMENT FOR
PARTICIPATION IN THE
2012-2013 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM
BETWEEN

(Electric and/or Natural Gas Utility or Public Housing Authority)

AND

Local LIHEAP Agency

THIS AGREEMENT, by and between the _____, hereinafter referred
(Electric and/or Natural Gas Utility or Public Housing Authority)

to as the Home Energy Supplier, and the _____
(Local LIHEAP Agency)

herein after referred to as the Local LIHEAP Agency (LLA), in consideration of the mutual promises herein contained, the parties have agreed and do hereby enter into this agreement according to the provisions set out herein:

A. The Home Energy Supplier agrees to the following conditions and terms:

1. To participate in the 2012-2013 Low Income Home Energy Assistance Program (LIHEAP) in accordance with the approved LIHEAP State Plan and Federal regulations.
2. To accept benefit checks and vouchers on behalf of eligible households for the purpose of providing LIHEAP services for clients identified to receive such benefits.
3. To apply benefit check or voucher amounts to the energy accounts of eligible and certified households.
4. To not discriminate against the eligible in offering deferred payment or level payment plans or in the other conditions of sale, credit, or price to the customer.
5. To record the LIHEAP payments to the Home Energy Supplier's books as a credit to the households' accounts.
6. To refund any LIHEAP credit balances to the LIHEAP agency who made the payment on behalf of the customer, if the customer terminates their service.
7. To be responsible for compliance with the terms and provisions of this agreement and to understand that this agreement may be revoked by the LLA for noncompliance by the Home Energy Supplier.
8. To permit and cooperate with State and/or Federal investigations undertaken in connection with Section 2608, Title XXVI, Low Income Home Energy Assistance Act of 1981 as amended, concerning the use of funds received under this title in order to evaluate compliance with the provisions and assurances made by the State. Such investigations may require examination of appropriate books, documents, papers and records pertaining to customers served with funds under this program. Reasonable notice will be made to the Home Energy Supplier in advance of any investigation and the costs of conducting such an investigation will be borne by the Department.

B. The local LIHEAP agency agrees to the following conditions and terms:

1. To issue benefit checks and/or vouchers for assistance and to provide payments on vouchers when they are properly signed and returned to the LLA.
To provide guidance to the Home Energy Supplier during the implementation and operation of the Low Income Home Energy Assistance Program.

2. To maintain the right to monitor, evaluate and spot-check the Home Energy Supplier's operation and activities according to this agreement with respect to the clients served.
3. To submit applications subject to available funding to the Department for eligible households according to LIHEAP guidelines.

C. All parties agree to the following:

1. To comply fully with Titles VI and VII of the Civil Rights Act of 1964; and Section 504 of the Rehabilitation Act of 1973; and ensure that no person on the basis of handicap, race, color, religion, sex, age or national origin, will be excluded from participation in, or be denied benefits of, or be otherwise subjected to discrimination in the performance of this agreement, or in the employment practices of the home energy supplier and the LLA. Such employment practices may include, but are not limited to, recruitment, recruitment advertising, hiring, layoff or termination, promotion, demotion, transfer, rate of pay, training and participation in upward mobility programs, or other forms of compensation and use of facilities. The home energy supplier and the LLA shall upon request show proof of such nondiscrimination, and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
2. Any party may terminate this agreement by giving a written fifteen (15) day notice.
3. The LLA may terminate this agreement with written notice if the Home Energy Supplier fails to comply with the terms and provisions of this agreement.
4. The beginning date of this agreement is July 1, 2012, and the ending date shall be June 30, 2013.
5. The execution of this agreement by the Home Energy Supplier to participate in the LIHEAP is not to be interpreted as a "waiver" of any right, term, or condition obtained by the Home Energy Supplier pursuant to customer service under an agreement outside of this agreement, except to the extent such right, term or condition is in conflict with the provision of the agreement or State or Federal law.
6. This agreement may be amended by written modification and/or additional terms which are mutually acceptable to the parties.

IN WITNESS WHEREOF, the parties have by their duly authorized representatives set their signatures.

APPROVED:

HOME ENERGY SUPPLIER

ADDRESS

CITY STATE ZIP CODE PHONE NUMBER

SIGNATURE OF DIRECTOR/BUSINESS MANAGER DATE

APPROVED:

LOCAL LIHEAP AGENCY

LLA BOARD CHAIRMAN DATE

statutory
references

2605(b)(8)(B)

➔ Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners
and
renters)

HEATING ASSISTANCE

_____ Yes X No

COOLING ASSISTANCE

_____ Yes X No

CRISIS ASSISTANCE

_____ Yes X No

WEATHERIZATION

_____ Yes _____ No N/A

statutory
references

2605(b)(10)

➔How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

FISCAL CONTROL AND ACCOUNTABILITY

General

Generally accepted accounting principles will be adhered to in preparation of reports. Each contract agency receiving funds under the program must be audited according to their contract.

Fiscal Control Procedures

The Department will use the following procedures to ensure fiscal control of funds:

1. Review all proposed budgets to assure that all proposed expenditures are allowable in accordance with applicable State and Federal requirements;
2. Review on a monthly basis all expenditures made by the agencies, in both client services and administrative categories, as reflected on the specified financial reporting form;
3. Make periodic on-site monitoring visits to the agencies to review fiscal procedures;
4. Provide technical assistance and training to agency personnel as needed;
5. Review agency audits to assure that required principles and guidelines were adhered to in administering the program; and
6. Require that contract agencies adhere to the Accounting Manual for Recipients of Grant Funds in Tennessee, published by the State of Tennessee, Comptroller of the Treasury, (available at: <http://comptroller.state.tn.us/ma/nonprofit/nonprofit1.pdf>) and the DHS Fiscal Policies and Procedures for Third Party Agencies or Other Contractors, as amended.

Fiscal Records

Local contract agencies are required to maintain fiscal and program records, books, papers and other evidence to support accounting and personnel procedures and practices which sufficiently reflect all direct and indirect costs expended in their operation of the LIHEAP. Such records shall be maintained until an audit has been performed and all questions related thereto have been resolved or for a minimum of three (3) years. These records shall be maintained in accordance with generally accepted accounting principles at no less than those recommended in the Accounting Manual for Recipients of Grant Funds in Tennessee, published by the Comptroller of the Treasury, State of Tennessee. Such records shall be maintained in accessible form and shall be subject to monitoring, inspection, and audit by the Department, the State of

Tennessee's Comptroller of the Treasury or his designated representative, and Federal personnel including the U. S. Comptroller General or his designated representative and authorized representatives of the U. S. Department of Health and Human Services. In order to provide full audit disclosure, the scope of audits shall include the financial activities of all other entities managed or controlled by the board of the agency or by its employees. Agencies shall assume full financial liability for audit exceptions ruled as final after the agency has received notice and been offered the opportunity to participate in review of the audit exceptions with State or Federal officials, as appropriate.

(program,
fiscal
monitoring,
and audit)

➔How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

Programmatic Monitoring

Program monitoring will be conducted by the Department's Program Review and Internal Audit staff. These same monitors are also responsible for monitoring the State's Community Services Block Grant Program, Social Services Block Grant Program, and other programs managed by the Department.

Each agency will be monitored subject to federal program requirements. Visits will be announced and arranged through written communications. Unannounced visits will be made in the event of complaints identifying program irregularities. Each monitoring visit will serve to evaluate compliance with all program policy areas.

All visits will consist of an entrance and exit conference. The policy areas to be reviewed will be presented by monitoring staff to local agency personnel during the entrance conference. The exit conference will involve a presentation of the findings of the review.

In addition, all monitoring visits will be followed by letters to agency board chairpersons to communicate the findings of the reviews. Corrective Action Plans (CAP) must be submitted to the Department within 30 days of the date of the monitoring report. In the event of program deficiencies, the Department will have the responsibility to confirm the correction of the deficiencies.

➔How is your LIHEAP program audited?

Under the Single Audit Act? X Yes No

If not, please describe:

For States and Territories:

➔Is there an annual audit of local administering agencies? X Yes

No

If not, please explain.

statutory
references

2605(b)(12)

(timely and

meaningful
public
partici-
pation)

➔How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

A focus group of agencies that administer LIHEAP funds to the citizens of Tennessee worked in conjunction with State office staff to develop meaningful, relevant policies and procedures for the upcoming year. Each agency developed operational plans based on the decision made with respect to all federal policies and procedures.

2605(a)(2)

(public
hearing)

➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

X Yes No

(Not required for Tribes and tribal organizations)

August 15, 2012
Department of Human Services
15th Floor, Citizens Plaza Building
Nashville, TN 37243

statutory
references

2605(b)(13)

➔ Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair
hearings)

Applicants are provided information on their fair hearing procedures rights at the time their applications are submitted.

➔ Denials

Fair Hearing Process

An applicant for, or recipient of, assistance or services has a right to appeal any action taken in regard to the assistance or services for which he/she has applied, is receiving, or which has been terminated.

Clients and applicants for services or assistance through any programs offered through the Department have a right to request a fair hearing for any of the following reasons:

1. Application for service or assistance is denied (**except for lack of funds**);
2. Applicant was not provided an opportunity to submit an application for services or assistance at the time of their initial request;
3. The notification of application status is not made within 30 days of date of application; or
4. The client is dissatisfied with the services or assistance for any reason.

Every applicant or recipient of services or assistance shall be informed by local agency staff at the time of application and at the time of any action affecting his/her claim to assistance or services of the following:

1. of his/he right to a Fair Hearing;
2. of the method by which he/she may obtain a hearing; and
3. of his/her right to be represented by an authorized representative, such as legal counsel, relative, or friend. Information and referral services shall be provided to help claimants make use of any legal services available in the community that can provide legal representation at the hearing.

Responsibilities of Local Contract Agencies

The right to appeal is provided to ensure due process for those individuals and families who are denied assistance under any of the Department's programs including the LIHEAP program. Each agency's Board of Directors will establish procedures for fair hearings at the local level.

When an applicant feels that he/she has been denied services or assistance, or the opportunity to apply for services or assistance, a review hearing will be held upon the applicant's written request. A client who is dissatisfied with the service or assistance that they received may also request a hearing.

Applicants may not appeal when an application is denied due to a lack of funds.

To file a request for a hearing, the applicant must fill out a complaint form. The applicant will retain a copy of the form. Also, one copy will be provided to the Department's Community Services office and a third copy will be placed in the applicant's permanent file by the local contract agency.

A letter will be sent to all applicants stating either that the application is approved with the awarded benefit amount listed or that the application is denied. Also, the letter will state the correct procedures to follow for an appeal of an application denial through the agency's established grievance procedures.

Applicants for services or assistance or clients dissatisfied with the receipt of services or assistance must file their grievance within 30 days of the denial of, or receipt of, the services or assistance. Upon receipt of a request for a hearing, the hearing must be held in a timely manner following the agency's established procedures for fair hearings.

If a client is dissatisfied with the agency's decision, he/she may appeal to the Department. Requests to the Department for a hearing may be made in writing, electronic mail, or telephone within thirty (30) days of the notification of the outcome of the local hearing. No request for a Department-level hearing will be accepted until a hearing at the local level is held as most issues can be resolved at the local level.

All requests for Departmental level appeals must be submitted to:

Shalonda Cawthon, Deputy Commissioner
TN Department of Human Services
400 Deaderick Street, 14th Floor
Nashville, TN 37243-1403
(615) 313-4703
Shalonda.cawthon@tn.gov

Following the receipt of a request for a hearing, the Department's Division of Appeals and Hearings will be notified. The client will be contacted by Appeals and Hearings staff to schedule the hearing which will be conducted by a Departmental Hearing Officer. If a request for a hearing is received, the local agency will be requested to submit copies of files and documentation regarding the grievance and the steps taken to address the issues.

State and Federal Requirements

Tennessee's Public Welfare Statutes and Federal law require that there be provisions for appeals and fair hearings for applicants and recipients of assistance and services provided by the Department.

If a formal complaint is made to the Federal Department of Health and Human Services (HHS) alleging that the Tennessee Department of Human Services (DHS) has failed to use LIHEAP funds in accordance with the federal statute, HHS must, within sixty (60) days after it receives the complaint, provide a written response to the complainant. DHS will be required to participate in the resolution of the complaint within the period of time designated by HHS.

→ Applications Not Acted On In a Timely Manner

Same procedures as above for denials.

statutory
references

2605(b)(15)

For States and Puerto Rico only (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

➔ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate
outreach
and intake)

Yes.

HEATING ASSISTANCE

 X** Yes No

** Tennessee does not have separate heating and cooling components. Rather, year-round combined heating/cooling assistance.

If Yes, describe alternate process for outreach and intake:

Information and referral procedures are in place at each of the 95 County offices of the Department of Human Service.

COOLING ASSISTANCE

 X** Yes No

** Tennessee does not have separate heating and cooling components. Rather, year-round combined heating/cooling assistance.

If Yes, describe alternate process for outreach and intake:

Information and referral procedures are in place at each of the 95 County offices of the Department of Human Service.

CRISIS ASSISTANCE

 X Yes No

If Yes, describe alternate process for outreach and intake:

Information and referral procedures are in place at each of the 95 County offices of the Department of Human Service.

statutory
references

2605(b)(16)

→ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

 X Yes No

If Yes, please describe these activities.

Local administering agencies provide clients with information on energy conservation tips, and provide assistance to clients when issues arise with cutoff notices and other problems with their energy suppliers.

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

The Outreach/Consumer Education program component is capped for the local administering agency budgets to ensure the 5% cap is not exceeded

statutory
references

2607A
(leveraging)

➔Please describe leveraging activities planned for the fiscal year. **(This entry is optional.)*** Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

Local agencies may develop partnership with local energy suppliers and other community groups to secure leveraged resources. Agencies will report monthly qualifying LIHEAP leveraging funds during the program year. The State will in-turn report leveraging in order to be eligible to receive federal LIHEAP funds in the following program year.

* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

statutory
references

2605(b)
(performance)
goals and
measures)

➔Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**

1. The Grantee shall ensure that applications are approved timely and benefits are provided within program guidelines and the Grantee's approved Operational Plan ninety percent (90%) of the time, as determined by State Office monitoring through case sample and system reports.
2. The Grantee shall, ensure quality customer service. A State approved annual sample survey of clients that applied will be completed. If the survey results in less than a 70% satisfaction rate, the agency shall develop a corrective action plan to address the deficiency.

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- * **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT.)**
- * **Debarment and suspension certification**, which must be filed by all grantees.
- * **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: X
- * One of the requirements included in the 1994 reauthorization of the statute is that state grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.
- * Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Commissioner

Title

TN Department of Human Services

Organization



U.S. Department of Health & Human Services

Administration for Children & Families

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal



U.S. Department of Health & Human Services

Administration for Children & Families

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant. [55 FR 21690, 21702, May 25, 1990]

GRANTEE Tennessee

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